

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MAIZIE AVICHAIR,)
as next friend for T.A., a minor,)
)
Plaintiff,)
)
)
vs.) Case No. 4:09CV00069 ERW
)
ST. JOHN'S MERCY HEALTH SYSTEM,)
a Missouri non-profit corporation)
doing business as St. John's)
Mercy Medical Center, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter comes before the Court on Defendants' Renewed Joint Motion to Strike Plaintiff's Designation of Rebuttal Expert and Bar Testimony of Dr. Paul Levisohn [doc. #71].

The Court held a hearing on this matter on August 31, 2010.

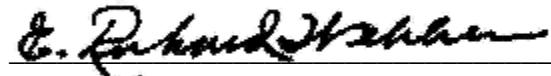
The Court finds that the proposed scope of the testimony of Dr. Levisohn does not exceed the scope permitted by the Federal Rules. The Court has conducted extensive research on the issue of rebuttal expert testimony, and concludes that there is nothing in the papers or argument that is outside the scope of rebuttal testimony. The Court will thus deny Defendants' Joint Motion to Strike.

The Court will give Defendants the opportunity to secure an expert witness or witnesses to address Dr. Levisohn's testimony, if necessary. The Court requests that Defendants recommend the time required to secure said witnesses, and the Court will extend the discovery deadline and the trial date, if requested.

Accordingly,

IT IS HEREBY ORDERED that Defendants' Renewed Joint Motion to Strike Plaintiff's Designation of Rebuttal Expert and Bar Testimony of Dr. Paul Levisohn [doc. #71] is **DENIED**.

Dated this 2nd Day of September, 2010.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE